

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2230.05
COMPLAINT INVESTIGATOR:	Demaris Stewart
DATE OF COMPLAINT:	March 2, 2005
DATE OF REPORT:	March 23, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 4, 2005

COMPLAINT ISSUES:

Whether the Fort Wayne Community Schools violated:

511 IAC 7-27-7(a) by failing implement the student's individualized education program (IEP) as written specifically:

- (a) falling to provide the student with a full-time aide / or interpreter;*
- (b) falling to feed the student, via tube, pursuant to treatment plan; and*
- (c) falling to provide transportation on January 21st and 25th of 2005*

FINDINGS OF FACT:

1. The Student is twelve years old and is eligible for special education and related services as a student with multiple disabilities as his primary disability, and moderate mental disability, hearing impairment, communication disorder, and autism as secondary disabilities.
2. The Student's individualized educational program (IEP) dated February 25, 2004, indicates the student will have 6.5 total hours of direct service with the interpreter daily.
3. Fort Wayne Community Schools employs two full-time substitute interpreters to be on call to provide services when interpreters are absent. On November 12, 2004 and February 16, 2005, Employee # 2 substituted for Employee #1 when he was absent. There is a procedure in place that when interpreters are going to be absent they notify the Department of Special Education Resource Teacher for Hearing Impaired and then she coordinates the assignment of interpreters in permanent and substitute positions. On January 13, 2005, Employee # 1 did not notify the Department of Special Education Resource Teacher for Hearing Impaired of the absence. The Department of Special Education Resource Teacher for Hearing Impaired was also out due to a family crisis so Employee # 1 did not want to disturb her at home. Employee #1 notified the School secretary that he would be absent and requested a substitute. Due to a substitute shortage, an assistant was not available.
4. The School acknowledges it did take steps to feed the student on January 13, 2005, via tube, pursuant to the treatment plan. Employee # 1 (the student's full-time interpreter) and the School Nurse were provided procedures/training as to how to feed a student using a G-tube. Employee #1 was absent on January 13, 2005, and the School Nurse was contacted to feed the Student. The Student is to be fed between 12:00 and 12:30. At 11:50, the School Nurse was attempting to feed the student. The School Nurse had difficulty with connecting the feeding tube to the G-tube. The Nurse attempted to call the Student's mother as did the School, but neither parent could be reached directly at the numbers the School had called, so messages were left. The Student's Mother returned a call and said she was

going home ill and would do the G-tube feeding when the student got home. The Father called a minute later indicating that the Home Health Care Nurse would be at the school at 1:00 to pick up the Student.

5. The notes from the School Nurse it describe how the Home Health Care Nurse was able to provide the tube feeding without incident. The Nurse then called the Parents to advise them of the situation and the fact the Student was unfamiliar with the person providing the feeding and was throwing his arms around and becoming agitated when she tried to do the feeding. Additional training has been provided for the School Nurse, the Interpreter, and the Substitute.
6. The Complainant also alleges that the Student was not fed on time on January 21, 2005. The Student's classroom teacher reports she attempted to contact the Student's Parent through correspondence for a week and a half to inform them that the Student was running out of formula. The School had notified the family through the Student's daily notebook. The School felt this was a reliable means of communication. The family never responded to the written request. The actual day of the incident the Teacher made multiple calls to the family and left messages about the food situation. The School was able to find one more can of food in the cabinet to feed the Student for the day. The next day the Student's Parent brought in a case of food and a list of numbers where they could be reached.
7. The Student's IEP dated September 1, 2004, indicates the student will have special transportation services due to safety needs.
8. On January 21, 2005, there was a two-hour delay to the start of school due to weather conditions. There was a substitute driver assigned and the driver was running thirty-five minutes late. The driver attempted to pick up the Student, but the Student was not available to be transported. The parents had already taken the student to school and the student arrived at school on time.
9. On January 25, 2005, a substitute driver was driving the route again and was running late. The Student's pick up time is 7:14 a.m. The bus arrived at the home at 7:55. The Student was not available for the bus to pick him up as the parents had taken the student to school and the student arrived on time.

CONCLUSIONS:

1. Findings of Fact #2 & 3 indicate the School attempted to implement the Student's IEP as written. A full-time interpreter has been assigned to the Student and two substitutes are available when the full-time person is not available. The school has a plan to implement the IEP as written and has a contingency plan when absences occur. Though the Student was without interpreter services on January 13, 2005, (this does not constitute an interruption of services.) Therefore, a violation of 511IAC 7-27-7(a) is not found.
2. Findings of Fact #5, 6, & 7, state that the School Nurse with the aid of the Parent have provided training on how to feed the Student via tube, pursuant to treatment plan. The Student's full-time Assistant/Interpreter is responsible for making sure the Student is fed and, if he is not available, the School Nurse is next to be contacted. The School did provide documentation to show that they did try to feed the Student. Therefore, a violation of 511IAC 7-27-7(b) is not found.
3. Findings of Fact #8, 9, & 10 require that the School provide transportation to and from the educational setting and between educational settings. The School states that on the days that the transportation was delayed, it was due to weather conditions or the driver was running behind schedule. The parents transported the student to school on the two days. When the bus arrived at the Student's home, the Student had already gone to school. Therefore, a violation of 511IAC 7-27-7(b) is not found.

CORRECTIVE ACTION: As no violations are found there are no corrective actions.